

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: DANIEL S. YAICH

SERIAL NO.: 10/774,390

FILED: February 10, 2004

FOR: Cannelured Frangible Cartridge and Method of
Canneluring a Frangible Projectile

GROUP ART UNIT: unassigned

EXAMINER: unassigned

ATTY. REFERENCE: YAICH3001/BEU

COMMISSIONER OF PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The below identified communication(s) or document(s) is(are) submitted in the above application or proceeding:

- Declaration
- Petition to Make Special because of Actual Infringement
- Check in the Amount of \$130
- Information Disclosure Statement w/two references and PTO-1449
- Declaration by Application in Support of Petition to Make Special; Declaration by Attorney in Support of Petition to Make Special; Sample of Cartridge

Please debit or credit Deposit Account Number 02-0200 for any deficiency or surplus in connection with this communication. A duplicate copy of this sheet is provided for use by the Deposit Account Branch.

Small Entity Status is claimed.

23364
Customer Number

BACON & THOMAS, PLLC
625 SLATERS LANE - FOURTH FLOOR
ALEXANDRIA, VIRGINIA 22314
(703) 683-0500

DATE: May 14, 2004

Respectfully submitted,


Benjamin E. Urcia
Attorney for Applicant
Registration Number: 33,805



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continuation-In-Part Application of:

Daniel S. YAICH

Serial No.: 10/774,390

Filed: February 10, 2004

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Examiner: Not Yet Assigned

Art Unit: Unknown

For: CANNELURED FRANGIBLE CARTRIDGE AND METHOD OF CANNELURING A FRANGIBLE PROJECTILE

PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT

**Honorable Commissioner Of Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

Applicant hereby petitions to make this application special because of actual infringement.

Accompanying this Petition is a Declaration of Facts in Support of the Petition to Make Special because of Actual Infringement, executed by the Applicant, Daniel S. YAICH, a Supplemental Declaration by Applicant's Attorney in Support of the Petition to make Special, and an Information Disclosure Statement. The fee required by 37 CFR 1.17(i)(2) is attached.

The Declaration of Facts shows that there is an infringing product actually on the market, as demonstrated by the attached test sample of a cannelured frangible cartridge delivered to the Applicant by Sinterfire, Inc.

The Supplemental Declaration shows: (1) that a rigid comparison of the allegedly infringing product with the claims of the application has been made; (2) that, in the opinion of the undersigned, some of the claims are unquestionably infringed; (3) that the undersigned has

Ser. No. 10/774,390
Petition to Make Special

caused to be made a careful and thorough search of the prior art, and (4) that the undersigned believes all of the claims in the application are allowable.

Respectfully submitted,



BENJAMIN E. URCIA
Attorney for Applicant
Registration No: 33,805

BACON & THOMAS

625 Slaters Lane-4th Fl.
Alexandria, Virginia 22314
(703) 683-0500

Date: May 14, 2004

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continuation-In-Part Application of:

Daniel S. YAICH

Serial No.: 10/774,390

Filed: February 10, 2004

Examiner: Not Yet Assigned

Art Unit: Unknown

**For: CANNELURED FRANGIBLE CARTRIDGE AND METHOD OF CANNELURING A
FRANGIBLE PROJECTILE**

**DECLARATION BY ATTORNEY IN SUPPORT OF PETITION TO MAKE
SPECIAL BECAUSE OF ACTUAL INFRINGEMENT**

**Honorable Commissioner Of Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

I, Benjamin E. Urcia, Registration No. 33,805, am the attorney for the Applicant in this case, and make the following declarations:

1. I have made a rigid comparison of the allegedly infringing product, referred to in the accompanying Declaration of Daniel S. YAICH, with the claims of the application.

The allegedly infringing product is a frangible projectile made of a compressed powdered material and a cannelure cut into the body, the cannelure including a generally flat base and beveled edges.

2. In my opinion, claim 4 of the application is unquestionably infringed. My analysis is as follows:

Claim 4 recites "A frangible projectile having a cannelure, comprising:

a body made of a compressed powdered material and arranged to disintegrate upon contact with an object; and

a cannelure cut into the body, wherein the cannelure includes beveled edges and a generally flat base.

Continuation-In-Part of S.N. 10/774,390
Petition to Make Special

As indicated in the attached declaration of the Applicant, the projectile attached hereto is a frangible test sample, made of a compressed powdered material. The projectile clearly includes a cannelure with a flat base. The beveled nature of the sides of the cannelure is visible with a magnifying glass.

3. I have caused to be made a careful and thorough search of the prior art. The results of search completed on January 27, 2004 were included in an Information Disclosure Statement submitted upon filing of the application, and the results of an update search completed on May 13, 2004, are listed in an Information Disclosure Statement which accompanies this Petition and Declaration.

4. I believe that all claims in this application are allowable over the references listed and discussed in the Information Disclosure Statement.

5. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



BENJAMIN E. URCIA
Attorney for Applicant
Registration No: 33,805

BACON & THOMAS, PLLC
625 Slaters Lane-4th Fl.
Alexandria, Virginia 22314
(703) 683-0500

Date: May 14, 2004



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continuation-In-Part Application of:

Daniel S. YAICH

Serial No.: 10/774,390

Filed: February 10, 2004

Examiner: Not Yet Assigned

Art Unit: Unknown

For: CANNELURED FRANGIBLE CARTRIDGE AND METHOD OF CANNELURING A
FRANGIBLE PROJECTILE

DECLARATION BY APPLICANT IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT

Honorable Commissioner Of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Daniel S. Yaich, am the inventor of the subject matter claimed in the above-identified patent application. I hereby declare the following:

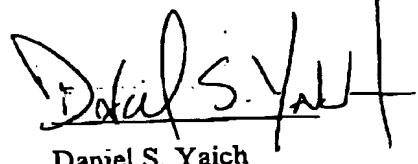
1. I believe that there is an actual infringement of the invention claimed in the above-identified patent application.
2. The product I believe to be infringing is the attached frangible projectile, which was included in test sample ammunition delivered to me by Sinterfire, Inc. of Kersey, PA.
3. The attached frangible projectile includes a cannelure that appears to be cut into the projectile, and that has a flat base and a beveled edge. The projectile is made of compressed copper/tin powder, and is frangible.
4. I believe that the attached projectile is manufactured by Sinterfire, Inc. in the United States, and that it is currently on sale to U.S. customers.

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Continuation-In-Part of S.N. 08/305,294
Declaration In Support of Petition to Make Special

I hereby declare that all statements made herein of my own knowledge are true and that these statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Daniel S. Yaich

14 May 2004

Date

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